

# Legal Smoking Room Examples

## EXAMPLE 1:

ROOM IN A FUNERAL HOME IN GARDEN CITY



LARGE, SEPARATE SPACE PROVIDED



VENTILATION SYSTEM IN CEILING



## EXAMPLE 2:

SMALL ROOM IN EMPLOYEE BREAK ROOM



Rep. \_\_\_\_\_ offered the following amendments to House Bill No. 4377:

1. Amend page 6, line 1, after "(1)" by inserting "Except as otherwise provided by law ~~IN THIS PART,~~".

2. Amend page 6, following line 25, by inserting:

"SEC. 12603A. THE OWNER OR OPERATOR OF A FOOD SERVICE ESTABLISHMENT OR A PLACE OF EMPLOYMENT THAT IS NOT A PUBLIC PLACE DESCRIBED IN SECTION 12601(P) (i) OR (ii) MAY ALLOW SMOKING IN A LEGAL SMOKING ROOM IN THE ELIGIBLE PLACE OF EMPLOYMENT OR FOOD SERVICE ESTABLISHMENT IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(A) THE LEGAL SMOKING ROOM IS AN ENCLOSED ROOM SEPARATE FROM THE NONSMOKING AREAS OF THE ELIGIBLE PLACE OF EMPLOYMENT OR FOOD SERVICE ESTABLISHMENT. THE LEGAL SMOKING ROOM SHALL BE ENCLOSED ON ALL SIDES BY ANY COMBINATION OF SOLID WALLS, WINDOWS, OR DOORS THAT EXTEND FROM THE FLOOR TO CEILING.

(B) THE LEGAL SMOKING ROOM IS EQUIPPED WITH 1 OF THE FOLLOWING:

(i) A SEPARATE VENTILATION OR AIR FILTRATION SYSTEM DESIGNED TO REMOVE SMOKE FROM THE AIR IN THE ROOM AND PREVENT SMOKE FROM INFILTRATING INTO THE NONSMOKING AREAS OF THE ELIGIBLE PLACE OF EMPLOYMENT OR FOOD SERVICE ESTABLISHMENT.

(ii) A DOUBLE-DOOR SYSTEM DESIGNED TO PREVENT THE RELEASE OF SMOKE FROM THE ROOM BY TRAPPING IT BETWEEN THE 2 DOORS AND PREVENTING SMOKE FROM INFILTRATING INTO THE NONSMOKING AREAS OF THE ELIGIBLE PLACE OF EMPLOYMENT OR FOOD SERVICE ESTABLISHMENT.

(C) NO INDIVIDUAL IS REQUIRED TO ENTER OR PASS THROUGH THE LEGAL SMOKING ROOM OF THE ELIGIBLE PLACE OF EMPLOYMENT OR FOOD SERVICE ESTABLISHMENT UNLESS HE OR SHE DOES SO ON A VOLUNTARY BASIS. THIS SUBDIVISION APPLIES TO AN EMPLOYEE OF THE OWNER OR OPERATOR OF AN ELIGIBLE PLACE OF EMPLOYMENT OR FOOD SERVICE ESTABLISHMENT, AND SECTION 12606 APPLIES TO THE RIGHT GRANTED TO EMPLOYEES UNDER THIS SECTION.

(D) THE LEGAL SMOKING ROOM IS CLOSED 1 HOUR OR MORE BEFORE THE END OF NORMAL BUSINESS HOURS OF THE ELIGIBLE PLACE OF EMPLOYMENT OR FOOD SERVICE ESTABLISHMENT TO ALLOW THOROUGH VENTILATION BEFORE ANY EMPLOYEE IS REQUIRED TO ENTER THE ROOM TO PERFORM ANY CLEANING OR OTHER ROOM MAINTENANCE."

3. Amend page 14, line 10, after "(1)" by inserting "Except as otherwise provided in ~~this~~ section 12603A,".